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Patent, Trademark & Copyright Causes
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Registered To Practice Before The
United States Patent And Trademark Office

18 February 2004

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Application For Letters Patent Entitled -- *Motorized Chalk Line Apparatus And Methods Of Using Motorized Chalk Line Apparatus* --; Serial No. 10/666,201;
Filed September 18, 2003; VanWinkle, Michael; Docket No. 2002KP279PA

Sir:

Transmitted herewith for filing are the following:

- 1) A Statement Under 37 C.F.R. § 1.56, Form PTO/SB/08 therefor, and copies of the prior-art references indicated therein, with respect to the above referenced United States Application for Letters Patent;
- 2) Form PTO/SB/21; and
- 3) A post card for you to place your official stamp thereon evidencing receipt of the above identified materials.

Submitted respectfully,

Kenneth F. Pearce
Registration No. 33,026

Ens.



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/666,201	
	Filing Date	09/18/2003	
	First Named Inventor	VanWinkle, Michael	
	Art Unit	1734	
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	2002KP279PA

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks patents accompanying form SB/08A; cover letter; and postcareceipt		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kenneth F. Pearce, Attorney at Law		
Signature			
Date	February 18, 2004		

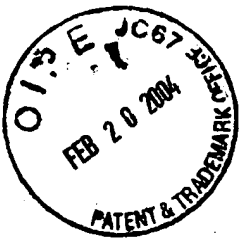
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Typed or printed name	Kenneth F. Pearce, Attorney at Law		
Signature		Date	February 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit:	1734)	
)	
Serial No.:	10/666,201)	
)	
Examiner:	Unknown)	STATEMENT UNDER
)	
Inventors:	VanWinkle, M.)	37 C. F. R. § 1.56
)	
Filed:	09/18/2003)	
)	
Title:	<i>Motorized Chalk Line</i>)	
	<i>Apparatus And Methods Of</i>)	
	<i>Using Motorized Chalk Line</i>)	
	<i>Apparatus</i>)	
)	

Hon. Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.56, the Examiner is advised that the documents enclosed herewith and indicated on Form PTO-SB/08 have come to the attention of the Applicants and are being submitted for consideration by the Examiner.

1) US Patent No. 5,444,919-Alves teaches a housing (12), drive shaft (14), spindle (16), chalk line (18), chamber (20), driven gear (22), drive gear (24), plug (26), batteries (28) and handle (30). The '919 Patent mandates through drive shaft (14) to be extended across the length of the chamber (20), as well as being mounted for rotation about its axis. Alves mounts his spindle (16) about the drive shaft (14) such that drive shaft (14) extends the entire length of the spindle (16).

2) US Patent No. 4,773,162-Lin enables a small motor (2) transmitting through the gear set (21) to a thread wheel (3), wherein the diameter of the thread wheel (3) is slightly bigger than the width of the box body (1). On the thread wheel (3) is the thread (31) which passes through the ink container (11) at the front of the box body (1). On the flange of the outer cover (12) of the ink body is a compartment to accommodate UM3 battery (4). As enabled in Fig. 1, the '162 Patent's thread wheel (3) rotates about a through axle (unnumbered).

3) US Patent No. 5,212,875-Corso teaches that the housing (100) has a compartment for the motor (102) powered by a pair of conventional batteries (104). Corso's complex gearing mechanism, includes a shaft (106) which terminates in a gear (108) which engages with and drives disc gear (110) axially connected to gear (112) for driving gear (114) mounted to splined shaft (116). The '875 splined shaft (116) is adjustable to engage the appropriate one of three disclosed drums (24, 26, and 28).

4) US Patent No. 4,189,107-Quenot, et. al., among other things, teaches a gear reduction mechanism between the electric motor and the spool carrying the measuring tape.

5) US Patent No. 4,192,078-Lore, et. al., enables a helical spring (36) for automatically returning the chalk or plumb line to the housing.

6) US Patent No. 4,813,145-Josey, Jr., et. al., discloses a coiled spring attached to the spool for automatically retracting the chalk line.

7) US Design Patent No. 348,513-Syrett shows ornamental features of a chalk line reel.

8) US Design Patent No. 314,156-Doyle shows the ornamental features of a chalk line reel.

9) US Patent No. 6,484,412 B1-Donaldson, et. al. enables a measured refill chalk cartridge (12) in combination with a manually operated chalk line.

10) US Patent No. 5,042,159-Millen teaches the use a spiral band spring (26) for automatically retracting the chalk line into the casing (12).

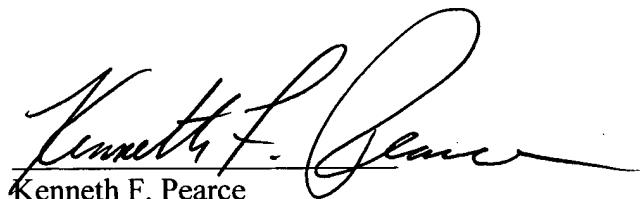
11) US Patent No. 4,765,557-Kahmann utilizes a spiral spring (31) mechanism to automatically retract the chalk line.

12) US Patent No. 4,592,148-Longenette enables a spiral spring (29) and clutching mechanism (27) for automatically reeling in the chalk line.

13) US Patent No. 4,565,011-Karger discloses an automatic release for a spring mechanism that is be wound to its maximum capacity such that additional lengths of chalk line can be withdrawn without placing additional tension on the spring.

It is Applicant's opinion that the claims presently on file patentably distinguish his invention from the above-identified references. The above-referenced documents are cited only in the interest of candor, in accordance with 37 C.F.R. § 1.56, and, as such, it is not to be construed as a representation that a search has been made or that no other material information exists.

Submitted respectfully,

A handwritten signature in black ink, appearing to read "Kenneth F. Pearce", written over a horizontal line.

Kenneth F. Pearce
Registration No. 33,026
Attorney of record for Applicant



PTO/SB/08A (08-03)

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Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1

of 1

Application Number	10/666,201
Filing Date	09/18/2003
First Named Inventor	VanWinkle, Michael
Art Unit	1734
Examiner Name	
Attorney Docket Number	2002KP279PA

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 5,444,919	08.29.1995	Alves	
		US- 4,773,162	09.27.1988	Lin	
		US- 5,212,875	05.25.1993	Corso	
		US- 4,189,107	02.19.1980	Quenot, et al.	
		US- 4,12,078	03.11.1980	Lore, et al.	
		US- 4,813,145	03.21.1989	Josey, Jr., et al.	
		US- D345,513	03.29.1994	Syrett	
		US- D314,156	01.29.1991	Doyle	
		US- 6,484,413 B1	11.26.2002	Donaldson, et al.	
		US- 5,042,159	08.27.1991	Millen	
		US- 4,765,557	08.23.1988	Kahmann	
		US- 4,592,148	06.03.1986	Longenette	
		US- 4,565,011	01.21.1986	Karger	
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		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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